

REMARKS

The newly cited references were not enclosed with the office action. In an effort to advance prosecution, Applicant has downloaded copies of the references actually cited against the claims. The Examiner is respectfully requested to send copies of the other references.

The holding of allowable subject matter in claim 8 is again gratefully acknowledged.

Art rejections: claim 9

Applicant respectfully submits that the Examiner has failed to make a prima facie case of anticipation against claim 9.

Claim 9, like the other claims, recites a cage, enclosing the coil and the permanent magnets. The Examiner points to the e-shaped yoke 1 of Kuriyama, as allegedly showing a cage. Applicant respectfully submits that the disclosure of Kuriyama fails to support this allegation. The arm 7, which bears the coil 8, is shown as passing under the yoke 1. It does not appear that any portion of this yoke could be under the arm 7 or the coil 8. Plainly parts numbered 2 and 3 cannot go through the arm, otherwise the arm would not be able to move. If these portions of the yoke cannot be going through the arm, why would one assume that any other portions of the yoke would be positioned to pass through the plane through which the arm swings? And if no portion passes through that plane, how can the yoke be a cage? It should be noted that in common parlance, a yoke is something that bears weight from above, not a cage.

Claim 9 further recites that the cage acts as a closed magnetic return path. The Examiner has failed to indicate where the yoke 1 of Kuriyama might allegedly be acting as a closed return path.

Claim 9 further recites that the cage comprises, at a side that is remote from the pivot, a shielding wall having an opening in the area of the magnets. The Examiner fails to indicate what part of Kuriyama is allegedly this shielding wall. It should be noted that there are two parts of the yoke which are labeled with the numeral 3. One of them is that a portion of the yoke nearer to the pivot (9), while the other is at a portion of the yoke remote from the pivot. There is no reason to suppose that either one of these parts is different from the other. And it appears that neither is a wall, because the arm 7 has to pass under the part that is closer to the pivot.

Reconsideration is accordingly respectfully requested.

Art rejections: claim 1

First one of ordinary skill in the art would not combine Niemela & Hartman. Niemela is in the shaver art, while Hartman is in the art of disk drives. The shaver art requires oscillatory motion, while the disk drive art requires precise positioning of a swing arm tip. These different functions make the two motors impossible to combine.

Moreover, as far as Applicant can tell, Niemela has the coil on the stator, rather than on the swing arm. Accordingly it would not be possible for one of ordinary skill in the art to combine this motor with one where the coil is on the swing arm.

Moreover, there is absolutely no reason for a skilled person, to combine the feature that the coil is movably supported by the swing arm as disclosed by Hartman with Niemela as the two solutions are very different. If the wiring of Niemela is shifted onto the swing arm, the stator does not serve as an alternating magnet anymore. Also, the permanent magnet and winding would then be supported by the swing arm and the function of the apparatus would be nil.

Claim 1 recites two permanent magnets. The Examiner indicates that Niemela shows such magnets, but does not indicate where. Applicant is unable to find this teaching. As far as Applicant can tell, Niemela only shows a single permanent magnet 37.

Applicant accordingly respectfully submits that the Examiner has failed to present a prima facie case of obviousness against claim 1.

Art rejections: claims 5 and 7

The Examiner cites Motohashi at 31a as showing the blade springs of both of these claims. However claim 7 recites a blade spring used as a pivot, while claim 5 recites a blade spring that preloads the swing arm with respect to housing. Applicant respectfully submits that the single blade spring cited by the Examiner cannot fulfill both of these functions. The Examiner cannot have it both ways. Which function does the Examiner think this blade spring actually fulfills?

Motohashi also does not appear to be relevant art. Applicant is unable to find where Motohashi has a swing arm. As far as Applicant can tell, the oscillator 30 goes back and forth on the springs 31, not on a swing arm.

Art rejections: claims 12-16

Applicant respectfully submits that these rejections fail to satisfy 37 CFR 1.104, because the references are complex, so that the Examiner should indicate what parts are relied upon.

Art rejections: claim 6

Applicant respectfully submits that this rejection also fails to satisfy 37 C.F.R. 1.104, for failure to indicate which parts are relied upon.

For instance, what is supposed to be first and second pivot? The Examiner cites Hanrahan as having first and second pivots, but how does that show that Hartman has first and second pivots? Who is to say they are the same structure?

Also, claim 6 recites that the second pivot is at the outer side of the sector shaped magnet. Where is this shown in Hartman? It does not appear, so far as Applicant can tell, that any portion of Hartman's swing arm is located on the outer side of any sector shaped magnet. Claim 19 is added to further clarify this recitation of placement of the pivots with respect to the sector-shaped magnet.

Also, claim 6 recites that the pivots are secured to a housing. Where is this taught or suggested in the references? Applicant is not finding this.

Art rejections: claim 11

Hartman relates to disk drives while Motohashi relates to shavers. For the reasons given above, with respect to claim 1, one of ordinary skill in the art would not combine these two references.

The Examiner says that Motohashi shows all the elements of claim 11, besides the cage. Applicant respectfully disagrees.

Claim 11 recites a swing arm. Applicant is unable to find any swing arm in Motohashi. As far as Applicant can tell, the motor 30 moves with respect to the stator 10 on springs 31, not on a swing arm. Applicant respectfully submits that one of ordinary skill in the art would also

not combine features from a motor of this type with features from a motor of the type of Hartman, which has a swing arm.

Claim 11 further recites two permanent magnets. Where does Motohashi show this? Applicant can only find one permanent magnet 32, please see col. 4, line 13.

Any other rejections or points of argument listed in the office action but not responded to here would appear to be moot in view of the above.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayments to the same account.

Applicant respectfully submits that he has answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Allowance is therefore respectfully requested.

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Respectfully submitted,

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